

United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 10-01579 (ESL)

CASTRO NIEVES, GILBERTO & MUÑOZ VINUEZA, LILIA MARIA

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee directly by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>7/20/2010</u>		<input type="checkbox"/> AMENDED PLAN DATED: _____ Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																														
I. PAYMENT PLAN SCHEDULE <table> <tr><td>\$</td><td><u>500.00</u></td><td><u>x</u></td><td><u>24</u></td><td>= \$</td><td><u>12,000.00</u></td></tr> <tr><td>\$</td><td></td><td></td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td></td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td></td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td></td><td></td><td>= \$</td><td></td></tr> </table> TOTAL: \$ <u>12,000.00</u>		\$	<u>500.00</u>	<u>x</u>	<u>24</u>	= \$	<u>12,000.00</u>	\$				= \$		\$				= \$		\$				= \$		\$				= \$		II. DISBURSEMENT SCHEDULE
\$	<u>500.00</u>	<u>x</u>	<u>24</u>	= \$	<u>12,000.00</u>																											
\$				= \$																												
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Additional Payments: \$ <u>200,000.00</u> to be paid as a LUMP SUM within <u>24 months</u> with proceeds to come from: <input checked="" type="checkbox"/> Sale of Property identified as follows: OF URB. SAN FRANCISCO, 145 TULIPAN, SAN JUAN PR WITHIN 24 MONTHS FROM FILING.		A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input type="checkbox"/> Trustee pays secured ARREARS: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input checked="" type="checkbox"/> Debtors VOLUNTARILY LIFT THE STAY in favor of Lien Holders: BPPR (#17) BPPR (POC #18) 5. <input type="checkbox"/> Other: 6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) See Continuation Sheet																														
Signed: <u>/s/ GILBERTO CASTRO NIEVES</u> Debtor <u>/s/ LILIA MARIA MUÑOZ VINUEZA</u> Joint Debtor																																

Attorney for Debtor **JIMENEZ - QUINONES LAW OFFICES**

Phone: **(787) 282-9009**

AMENDED CHAPTER 13 PAYMENT PLAN

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 1 of 1

1. US BANK NATIONAL ASSOC., 1ST MORTGAGE LOAN OVER RESIDENTIAL PROPERTY, SERVICED BY BANCO POPULAR DE PR (POC #14) AND BANCO POPULAR, HOLDING A LINE OF CREDIT GUARANTEED WITH A 2ND MORTGAGE (POC #4), WILL BE PAID DIRECTLY TO CREDITORS BY DEBTORS UPON THE SALE OF THE URB. SAN FRANCISCO PROPERTY, AS WILL ALSO BE PAID SECURED CREDITORS CRIM FOR THE PROPERTY TAXES IN CONNECTION WITH THIS PROPERTY (POC #8), AND PLAZA LAS AMERICAS, INC. (POC #12) ON A RECORDED JUDGMENT LIEN.
2. DEBTOR'S WILL MAINTAIN REGULAR POST PETITION PAYMENTS TO UNDARE, INC. (POC #10) -RESIDENTIAL MAINTENANCE FEE-- STARTING IN APRIL 2010. THE PREPETITRION ARREARS, AND ONE POST PETITION ARREAR (MARCH 2010) WILL BE PAID THROUGH THE PLAN FROM THE PROCEEDS OF THE SALE OF THE URB. SAN FRANCISCO PROPERTY.
3. DEBTORS LIFT THE STAY IN FAVOR OF US BANK NATIONAL (POC #14) AND BANCO POPULAR PR (POC #4) (1ST & 2ND MORTGAGES), CRIM (POC #8), AND PLAZA LAS AMERICAS, INC. (POC #12) AS TO THE URB. SAN FRANCISCO PROPERTY UP TO THE POINT OF SALE.
4. DEBTORS WILL ACTIVELY PURSUE THE SALE OF THE URB. SAN FRANCISCO PROPERTY BEFORE ITS SECURED CREDITORS DO.
5. SHALL DEBTORS SELL THE URB. SAN FRANCISCO PROPERTY THEY WILL DEVOTE ALL THE NET PROCEEDS TO PAY UNSECURED CREDITORS THROUGH THE PLAN AT THE RATE OF 100% + 6% PRESENT VALUE, UP TO THE AMOUNT WHICH DOES NOT AFFECT THEIR HOMESTEAD EXEMPTIONS.
6. THE STAY IS HEREBY LIFTED BY DEBTORS IN FAVOR OF R&G MORTGAGE (POC #2) IN CONNECTION WITH THE PROPERTY IN THE EXT. ROOSEVELT DEVELOPMENT IN HATO REY, PR. THIS PROPERTY HAS BEEN PAID AND WILL CONTINUE TO BE PAID BY DEBTORS' SON ALEJANDRO CASTRO VINUEZA. THERE ARE NO ARREARS WITH THIS MORTGAGE LOAN.
7. THE STAY IS HEREBY LIFTED IN FAVOR OF POPULAR AUTO IN CONNECTION WITH THE 2002 TOYOTA CAMRY VEHICLE (POC #5) PAID BY DEBTOR'S DAUGHTER CRISTINA CASTRO VINUEZA.
8. ANY INCOME TAX REIMBURSEMENTS DURING THE LIFE OF THE PLAN WILL BE DEVOTED TO FUNDING THE PLAN, IN ADDITION TO THE TOTAL BASE, WITHOUT THE NEED TO FURTHER MODIFY THE PLAN. SHALL DEBTORS NEED TO USE SUCH MONIES, THEY SHALL REQUEST THE PRIOR AUTHORIZATION OF THE COURT.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

**GILBERTO CASTRO NIEVES
LILIA MARIA MUÑOZ VINUEZA**

DEBTOR(S)

CASE NO. 10-01579 (ESL)

CHAPTER 13

**NOTICE OF FILING THE PRE-CONFIRMATION
AMENDED CHAPTER 13 PLAN DATED JULY 20, 2010**

TO THE HONORABLE COURT:

COME(S) NOW Debtor(s), represented by the undersigned attorney and respectfully represent(s) and as follows:

The **“Pre-Confirmation Amended Chapter 13 Plan Dated July 20, 2010”** is being filed herewith. It provides treatment for creditors **UNDARE and Plaza Las Americas, Inc.**, whom had objected the previous plan for lack of treatment. Also, it provides for the payment of **100% + 6% present value of allowed unsecured claims as of the bar date for filing non-governmental claims.**

WHEREFORE, the undersigned Counsel for the herein Debtor(s) respectfully informs this Honorable Court, all creditors and parties in interest, of the filing of the aforementioned plan.

Twenty-Eight-Day Notice To Parties In Interest

Within **twenty eight (28) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to the foregoing **Pre-confirmation Amended Chapter 13 Plan** with the Clerk’s office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. *Fed. R. Bankr. P. 2002 (b) and LBR 9013-1.*

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification, upon information and belief, of such filing to all parties in interest, including but not limited to: Alejandro Oliveras Rivera, Chapter 13 Trustee, PO Box 9024062, San Juan, PR 00902-4062; and Monsita Lecaroz Arribas, Esq., U.S. Trustee's Office, Ochoa Building, Suite 301, 500 Tanca Street, Old San Juan, P.R. 00906. Furthermore, I hereby certify that all non CM/ECF participants will be served with an exact copy of this document by regular U.S. mail, postage prepaid, sent to their addresses of record as these appear in the attached master address list.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, July 20, 2010.

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Label Matrix for local noticing
0104-3
Case 10-01579-ESL13
District of Puerto Rico
Old San Juan
Tue Jul 20 21:08:55 AST 2010

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) PLAZA LAS AMERICAS, INC.
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